

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Misc. No. 23346-M of 2006

DATE OF DECISION : 21.11.2006

Karamjit

.... PETITIONER

Versus

State of Punjab and another

..... RESPONDENTS

Crl. Misc. No. 15803-M of 2006

DATE OF DECISION : 21.11.2006

Satpal Singh and another

.... PETITIONERS

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. R.K. Lamba, Advocate,
for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Mr. P.K. Chugh, Advocate,
for respondent No.2.

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This order shall dispose of Crl. Misc. No. 23346-M of 2006, filed by Karamjit-husband of the complainant (respondent No.2) and Crl. Misc. No. 15803-M of 2006, filed by Satpal Singh and Bimla, father-in-law and mother-in-law of the complainant.

The petitioners have filed these petitions under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 113 dated 19.5.2005 registered at Police Station City Malout under Sections 498-A/342/307/406/34 IPC, and the subsequent proceedings arising therefrom.

In pursuance of notice, respondent No.2 has appeared and has filed affidavit stating that she is living with her husband since 10.10.2006 and she has no objection if the aforesaid FIR is quashed. Petitioner Karamjit, husband of the complainant, is also present and he has made the following statement, which has been counter-signed by his counsel :-

“My marriage was performed with complainant Manpreet Kaur on 15.10.2002. After the marriage, due to some differences between us and due to some mis-understanding, my wife lodged FIR No. 113 dated 19.5.2005 at Police Station City Malout under Sections 498-A/342/307/406/ 34 IPC, against me and my parents. I had also filed a petition under Section 9 of the Hindu Marriage Act. During the pendency of these proceedings, we have arrived at an amicable settlement, as I have assured my wife that in future neither I nor any of my family members will harass her on account of demand of dowry or even otherwise. Now we are living together happily. I undertake that in future, neither I nor any of my family members will harass the complainant-respondent No.2.”

Thereafter, the complainant-respondent No.2, who is also present in Court, has made the following statement :-

“I have heard the statement of my husband. Now, as per the compromise between us, I am living with my husband happily. He and his family members have assured me that in future, no harassment will be caused to me. In view of these circumstances, I have no objection if FIR No. 113 dated 19.5.2005 lodged by me at Police Station City Malout under Sections 498-A/342/307/406/34 IPC and all the subsequent proceedings are quashed.”

Counsel for the petitioners has also filed certified copies of the statements of the husband and wife recorded in petition under Section 9 of the Hindu Marriage Act, filed by the husband. A perusal of these statements also shows that the complainant is residing with her husband happily since 10.10.2006 and she has no complaint against him or his family members. On the basis of the statements of the parties, petition under Section 9 of the Hindu Marriage Act was dismissed as withdrawn by the trial court on 25.10.2006. Certified copy of the order dated 25.10.2006 has also been filed in Court today.

After hearing counsel for the parties, I am of the opinion that since the parties have compromised the matter and the couple is residing together happily and the husband has assured in his statement that he or any of his family members will not harass the complainant, therefore, no useful purpose will be served by continuing with the criminal proceedings in the aforesaid FIR and it will be futile because respondent No.2-complainant is not going to support the prosecution case. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid of respondent No.2-complainant, the fact that the parties have compromised the matter and the law laid down by the Hon'ble Apex Court in B.S. Joshi and Ors. vs. State of Haryana and Anr., JT 2003 (3) SC 277, FIR No. 113 dated 19.5.2005 registered at Police Station City Malout under Sections 498-A/ 342/307/406/34 IPC, and all the subsequent proceedings arising therefrom are quashed.

Both the petitions are allowed accordingly.

November 21, 2006
ndj

(SATISH KUMAR MITTAL)
JUDGE